

# Exhibit 12

## Brian Banner

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**From:** Jeff Kubiak <jkubiak@rameyfirm.com>  
**Sent:** Wednesday, January 4, 2023 6:30 PM  
**To:** Brian Banner  
**Subject:** Re: EscapeX v. Google - Letter Seeking Immediate Dismissal of Lawsuit

Hi Brian,

We lost a few plants and had a couple of minor water lines freeze at our bay house (water was off and the lines were going out to the dock) so yeah, damage was minor.

I've explained what is going on to the client and am waiting for a response. I asked again yesterday and haven't heard back yet. I'm going to start pushing for a response from them.

Jeff

Jeffrey E Kubiak  
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**From:** Brian Banner <bbanner@sgbfirm.com>  
**Sent:** Tuesday, January 3, 2023 9:53 AM  
**To:** Jeff Kubiak <jkubiak@rameyfirm.com>  
**Subject:** Re: EscapeX v. Google - Letter Seeking Immediate Dismissal of Lawsuit

Hi Jeff,

I hope you enjoyed the holidays and that all survived the freeze. I had a couple plants that didn't make it, so damage was minor.

I wanted to follow up on our conversation to see if you've had time to review with your client. If you could let me know when we could expect a response, I would appreciate it.

Thanks,

Brian

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**From:** Brian Banner <bbanner@sgbfirm.com>  
**Sent:** Wednesday, December 21, 2022 3:24 PM  
**To:** Jeff Kubiak <jkubiak@rameyfirm.com>  
**Subject:** Fw: EscapeX v. Google - Letter Seeking Immediate Dismissal of Lawsuit

Jeff -

Thanks again for the call earlier today. I'm forwarding the email/letter I previously sent re: the EscapeX v. Google case. We appreciate you getting back to us on this.

Happy Holidays,

Brian C. Banner

**sgb** | SLAYDEN GRUBERT BEARD PLLC  
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**From:** Brian Banner <bbanner@sgbfirm.com>  
**Sent:** Tuesday, December 13, 2022 3:03 PM  
**To:** William Ramey <wramey@rameyfirm.com>  
**Cc:** Jeff Kubiak <jkubiak@rameyfirm.com>; SGB Litigation <litigation@sgbfirm.com>  
**Subject:** Re: EscapeX v. Google - Letter Seeking Immediate Dismissal of Lawsuit

Bill,

I write to follow up on Google's letter that I sent to you over a month ago on November 7. (I've reattached that letter for your convenience.) The letter requested a response by November 14, and I followed up via email to you on November 16. To date, we have not received a response.

As explained in the letter, Google believes this case is without merit and that Plaintiff's actions in this case are egregious. If Plaintiff will not voluntarily dismiss the case, Google will seek fees, including fees related to Google's recently-granted motion to transfer this case to the NDCA -- i.e., a motion Plaintiff didn't even bother responding to.

Please provide a response by Friday, December 16. I'm available for a call to discuss if that would be helpful.

Regards,

Brian C. Banner

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**From:** Brian Banner  
**Sent:** Wednesday, November 16, 2022 8:35 AM  
**To:** William Ramey <wramey@rameyfirm.com>  
**Cc:** Jeff Kubiak <jkubiak@rameyfirm.com>; SGB Litigation <litigation@sgbfirm.com>  
**Subject:** RE: EscapeX v. Google - Letter Seeking Immediate Dismissal of Lawsuit

Bill (& Jeff),

It's been over a week since our correspondence (below) requesting a response by November 14. Can you provide a response in the next few days? As always, I'm available if a phone call would be helpful.

Regards,  
Brian

----- Original message -----

From: Brian Banner <bbanner@sgbfirm.com>  
Date: 11/7/22 4:43 PM (GMT-06:00)  
To: William Ramey <wramey@rameyfirm.com>  
Cc: Jeff Kubiak <jkubiak@rameyfirm.com>, SGB Litigation <litigation@sgbfirm.com>  
Subject: EscapeX v. Google - Letter Seeking Immediate Dismissal of Lawsuit

Bill –

Please see the attached correspondence which requests a response on or before November 14, 2022.

Regards,

Brian C. Banner

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